

## Message Text

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41

ACTION EA-09

INFO OCT-01 ISO-00 L-03 JUSE-00 CIAE-00 DODE-00 INR-07

NSAE-00 PA-01 USIA-06 PRS-01 SP-02 IO-11 DHA-02 /043 W  
----- 083054

R 060757Z FEB 76

FM AMEMBASSY SEOUL  
TO SECSTATE WASHDC 5340  
INFO AMEMBASSY TOKYO  
CINCPAC

LIMITED OFFICIAL USE SEOUL 0886

EO 11652: N/A  
TAGS: PINT, KS  
SUBJECT: KIM TAE-CHUNG CLAIMS CONVICTION UNCONSTITUTIONAL

REF: 75 SEOUL 9195 (DTG 130357Z DEC)

1. KIM TAE-CHUNG'S LATEST MOVE TO APPEAL HIS DEC. 12 SENTENCE (REFTEL) HAS BEEN FEB. 4 PETITION TO SEOUL APPELLATE COURT IN WHICH KIM REQUESTED THAT THE ROK CONSTITUTIONAL COMMITTEE RULE ON CONSTITUTIONALITY OF HIS CONVICTION UNDER FORMER ELECTION LAW. KIM CONTENDS THAT OLD LAW "CONTRADICTS" PROVISIONS IN THE 1972 YUSHIN CONSTITUTION AND THAT PROVISIONS IN THE NEW ELECTION LAW WHICH PROVIDE FOR RETROACTIVE PUNISHMENT OF VIOLATORS OF THE OLD LAW ARE UNCONSTITUTIONAL.

2. KIM'S SECRETARY HAS PASSED COPIES OF APPEAL, AND OF PROSECUTOR'S COUNTER APPEAL OF ONE YEAR SENTENCE, TO FOREIGN WIRE SERVICES AND EMBASSIES. DOMESTIC PRESS HAS ONLY BRIEFLY REPORTED FACT OF KIM'S APPEAL. HOWEVER, WE NOTE AP HAS FILED RATHER EXTENSIVE REPORT ON THIS DEVELOPMENT.

3. COMMENT: APPEAL SEEMS TO HAVE BEEN MADE TO KEEP KIM TAE-CHUNG AND HIS CASE IN PUBLIC EYE ESPECIALLY IN U.S. AND JAPAN RATHER THAN BECAUSE OF ANY HOPE OF FAVORABLE

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FINDING BY COURT OR CONSTITUTIONAL COMMITTEE.

SNEIDER

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NNN

## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TRIALS, COURT PROCEEDINGS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 06 FEB 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** morefirh  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976SEOUL00886  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760046-0057  
**From:** SEOUL  
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**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION EA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
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**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 SEOUL 9195  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** morefirh  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 02 FEB 2004  
**Review Event:**  
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**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** KIM TAE-CHUNG CLAIMS CONVICTION UNCONSTITUTIONAL  
**TAGS:** PINT, KS, (KIM TAE-CHUNG)  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006